

**DURHAM, NORTH CAROLINA
MONDAY, NOVEMBER 15, 1999
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, Mayor Pro Tempore Clement recognized employees of the Fire Department for their efforts during the Seven Star Campaign. Deliah Donaldson, of the Human Relations Department, was recognized as Employee of the Year for 1999. Also, Mr. Henry J. Pankey, Principal of Southern High School, was recognized for recently being inducted into the Hall of Fame of the National Alliance of Black School Educators during its 27th Annual Conference held November 12, 1999.

Mayor Tennyson presented awards to the following organizations: Meals on Wheels of Durham Incorporated; Department of Veteran Affairs Medical Center; Common Ground of the ARC of Durham County; and the Mayor's Trophy presented to Wayne Huggins.

The following proclamations were read by Mayor Tennyson: "Durham Recycles Week" November 15-21, 1999 and "Kostroma Day" November 27, 1999.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items pulled from the Consent Agenda]**

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as printed on the agenda was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: POSTAL SERVICES

MOTION by Council Member Larson seconded by Council Member Miller to hear from Mr. Dominick Falank, Postmaster, concerning an overview of postal services and recent changes was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: QUARTERLY FINANCIAL AND PERFORMANCE STATUS REPORT FOR FISCAL YEAR 1999-2000

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the Quarterly Financial and Performance Status Report for Fiscal Year 1999-2000 was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS

MOTION by Council Member Larson seconded by Council Member Miller to re-appoint Barbara Smith, representing neighborhoods, to the Durham Convention & Visitors Bureau Board of Directors for a three-year term to expire October 30, 2002 was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 1999-2000 CAPITAL PROJECT ORDINANCES AND IMPACT FEES

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Capital Project Ordinance Amending Ordinance #11731 Concerning City Facilities Renovations"; and

To adopt a "Capital Project Ordinance Concerning Downtown Thoroughfare Improvements"; and

To adopt a "Capital Project Ordinance Amending Ordinance #11524 Concerning Sidewalk Repair and Replacement"; and

To find that West Chapel Hill Road Park is at least 50% necessitated by new construction and that up to 50% of the capital

costs of that project may be paid by impact fees collected within the same service zone and collected for the same purpose; and

To adopt a "Capital Project Ordinance Amending Ordinance #11721 Concerning West Chapel Hill Road Park; and

To adopt a "Capital Project Ordinance Amending Ordinance #11709 Concerning Durham Central Park Land Acquisition; and

To adopt a "Capital Project Ordinance Amending Ordinance #11739 Concerning Traffic Calming"; and

To adopt a "Capital Project Ordinance Amending Ordinance #11756 Concerning Sewer Lines Extensions and Improvements -FY 2000."

To adopt a "Capital Project Ordinance Amending Ordinance #11734 Concerning Affordable Housing" was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: EMERGENCY MANAGEMENT INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the Emergency Management Interlocal Agreement between the City of Durham and Durham County was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: HOLIDAY ORDINANCE CHANGE

MOTION by Council Member Larson to adopt an "Ordinance to Amend Section 14-16(b) of the Durham City Code Relating to Holidays"-- results in the upcoming **New Year's holiday observance on Friday, December 31, 1999 instead of Monday, January 3, 2000** was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DOWNTOWN DURHAM LOAN POOL REQUEST FOR FUNDING - NORTH CAROLINA INSTITUTE OF MINORITY ECONOMIC DEVELOPMENT - SELF-HELP VENTURES

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the Non-Recourse Loan Participation Agreement with Self-Help Ventures Fund (Self Help) in an amount not to exceed \$225,460 to provide for participation by the City in the Self-Help Ventures loan to North Carolina Institute of Minority Economic Development for the acquisition, construction and renovation of 116 W. Parrish Street (Mechanics and Farmers Bank Building) and to execute related loan closing documents and to make minor changes to the Non-Recourse Loan Agreement and other related loan closing documents as are consistent with the loan terms and the Downtown Loan Pool Program requirements approved by the City Council was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF CITY TRACT #1191 (FERNANDO STREET),
DURHAM COUNTY TAX MAP 388-02-19, 20 AND 21**

MOTION by Council Member Larson seconded by Council Member Miller to reject Mr. Gary Diamond's offer of \$15,000 to purchase City Tract #1191 and to authorize the City Manager to advertise and sell City Tract #1191 for a minimum of \$14,930 per lot by the upset bid procedure under the authority of N.C. General Statute 160A-269, with the parcel being subdivided to its maximum feasible potential prior to being advertised was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRIVATE SALE OF PROPERTY AT 866 ESTES STREET, CITY TRACT
#1845, TO MS. PAMELA JORDAN (SOUTHWEST CENTRAL DURHAM
REVITALIZATION)**

MOTION by Council Member Larson seconded by Council Member Miller to accept the offer of \$56,000 from Ms. Pamela Jordan to purchase the property at 866 Estes Street and to authorize the conveyance of the property by a non-warranty deed with appropriate deed restrictions was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SUBRECIPIENT GRANT AGREEMENT WITH DURHAM COMMUNITY LAND
TRUSTEES, INC. FOR CONSTRUCTION MANAGER - COMMUNITY**

DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (\$39,000)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Grant Agreement and related documents with Durham Community Land Trustees, Inc. in an amount not to exceed \$39,000 from CDBG funds, and to make minor changes to the Grant Agreement and other related documents as are consistent with the grant terms and CDBG requirements as published by the U. S. Department of Housing and Urban Development (HUD); and

To determine and find that funds for this project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SUBRECIPIENT GRANT AGREEMENT WITH DURHAM COUNTY HABITAT FOR HUMANITY - COMMONWEALTH STREET - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS (\$72,000)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Subrecipient Grant Agreement and related documents with Durham County Habitat for Humanity in an amount not to exceed \$72,000 from CDBG funds, and to make minor changes to the Grant Agreement and other related documents as are consistent with the grant terms and CDBG regulations as published by the U.S. Department of Housing and Urban Development (HUD); and

To determine and find that funds for this project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: FINAL APPROVAL - TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS (TROS), INC. - 1117, 1119, 1130 ROXBORO STREET - 1996 HOUSING BONDS (\$200,000)

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Agreement with TROSA, Inc. in an amount not to exceed \$200,000 from 1996 Housing Bond funds, and to execute related loan closing documents, and to make minor changes to the Loan Agreement and other related loan

closing documents as are consistent with the loan terms and the Housing Bond Program guidelines approved by City Council; and

To determine and find that funds for this rental housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: POLICE MATTER CONCERNING MS. CATHERINE CAPPS AND MR. JAMES CATES

MOTION by Council Member Larson seconded by Council Member Miller to grant an extension of time to a representative on behalf of the Estate of Ms. Catherine Capps, and if he so desires, Mr. James Cates, to file a request for appeal before the Citizens Review Board, with such request to be filed within 14 calendar days following the date of this Council action [Staff to assist the representative with the filing procedures] was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RECODIFICATION OF THE DURHAM CITY CODE

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the City Clerk concerning recodification of the Durham City Code was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM HOUSING AUTHORITY APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to re-appoint Deloris Rogers to the Durham Housing Authority for a five-year term to expire September 28, 2004 was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED PROPERTY ACQUISITIONS UNDER THE HAZARD
MITIGATION GRANT PROGRAM**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to acquire at their appraised value the remaining seventeen (17) properties meeting the criteria for acquisition under the Hazard Mitigation Grant was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SIDEWALK PROGRAM

MOTION by Council Member Larson seconded by Council Member Miller to receive an updated status report concerning the sidewalk program was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH RTP COMMERCIAL,
LLC - LEVI TRACT LOCATED SOUTH OF MIAMI BOULEVARD AND
ANGIER AVENUE**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water and Sewer Extension Agreement with RTP Commercial, LLC for the extension of City water and sewer to serve the Levi Tract, a 16.38 acre commercial complex located on the southwest quadrant of South Miami Boulevard and Angier Avenue was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT - MICHEL AND MARIE ANNE BAUDET
(THE OLD MITSUBISHI PLANT) HAMLIN ROAD BETWEEN OLD OXFORD
HIGHWAY AND INDUSTRIAL DRIVE**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Sewer Extension Agreement with Michel and Marie Anne Baudet for the extension of City sewer to serve an existing industrial building (the old Mitsubishi Plant) located on the north side of Hamlin Road between Old Oxford Highway and Industrial Drive was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox,

Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller.
Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-202-2, TRIANGLE GRADING AND PAVING,
INCORPORATED - STREET IMPROVEMENTS**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Triangle Grading and Paving, Incorporated in the amount of \$271,163 for Contract ST-202-2, Street Improvements; and

To authorize the expenditure of up to \$320,000 from the Community Development Account was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BLOCKING OF FOREST ROAD AND HILLCREST DRIVE TO VEHICULAR
TRAFFIC**

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration; and

To authorize the blocking of Forest Road at the intersection with Guess Road, and Hillcrest Drive at the northernmost intersection with Guess Road was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING JOHN B. MCLENDON

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Memorializing John B. McLendon" was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BIDS - TWO 4x4 BACKHOES, E. F. CRAVEN COMPANY

MOTION by Council Member Larson seconded by Council Member Miller to accept the bid from E. F. Craven Company in the amount of \$131,940.00 for providing the City with two 4x4 backhoes; and

To waive the requirement for a Performance Bond; and

To authorize the City Manager to enter into a contract with E. F. Craven Company in the amount of \$131,940.00 for providing the City with two 4x4 backhoes; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROHIBITION OF PARKING AT TRAFFIC CIRCLES - DOLLAR AVENUE, KNOX STREET AND ENGLEWOOD AVENUE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time at the following locations was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- a. Dollar Avenue on the east and west sides, beginning at the south curb line of Knox Street, if extended, and extending for a distance of 40 feet;
- b. Dollar Avenue on the east and west sides, beginning at the north curb line of Knox Street, if extended, and extending northwardly for a distance of 40 feet;
- c. Dollar Avenue on the east and west sides, beginning at the south curb line of Englewood Avenue, if extended, and extending southwardly for a distance of 40 feet;
- d. Dollar Avenue on the east and west sides, beginning at the north curb line of Englewood Avenue, if extended, and extending northwardly for a distance of 40 feet;
- e. Knox Street on the north and south sides, beginning at the east curb line of Dollar Avenue, if extended, and extending eastwardly for a distance of 40 feet;
- f. Knox Street on the north and south sides, beginning at the west curb line of Dollar Avenue, if extended, and extending westwardly for a distance of 40 feet;

- g. Englewood Avenue on the north and south sides, beginning at the east curb line of Dollar Avenue, if extended, and extending eastwardly for a distance of 40 feet; and
- h. Englewood Avenue on the north and south sides, beginning at the west curb line of Dollar Avenue, if extended, and extending westwardly for a distance of 40 feet.

SUBJECT: STREET ACCEPTANCE - CROASDAILE FARM

MOTION by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 7:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

CROASDAILE FARM

- 1. Millspring Drive - from the centerline of Croasdaile Farm Parkway west and then north to the centerline of Bittersweet Drive (2,074')
- 2. Bittersweet Drive - from the centerline of Croasdaile Farm Parkway west to the end of construction @ STA 5+14 (514')

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Sewer Main - Country Club Drive from Umstead Road to West Property Line of Tax Map 811-2-7

Due to objections, Nathan McHenry of the Public Works Department, requested that the following properties be referred to the Public Works Committee: Willowhaven Country Club; T. C. & Juanita Nutt; and Thomas & Diane Hunter.

Mayor Tennyson opened the public hearing.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Country Club Drive from Umstead Road to west property line of Tax Map 811-2-7 and to refer the properties of Willowhaven

Country Club; T. C. & Juanita Nutt; and Thomas & Diane Hunter to the Public Works Committee for further consideration was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Creekside Cove from November Drive to Cul-de-sac

Due to an objection, Nathan McHenry of the Public Works Department, requested that the property of Lawson Wilson be referred to the Public Works Committee.

Mayor Tennyson opened the public hearing.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Blyth to adopt a resolution confirming the assessment roll for sewer main on Creekside Cove from November Drive to cul-de-sac and to refer the property of Lawson Wilson to the Public Works Committee for further consideration was approved at 8:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - November Drive from North Property Line of Tax Map 809-6-3 to Thunder Road

Due to objections, Nathan McHenry of the Public Works Department, requested that the properties of M. G. Bobbitt and Stephen Parrillo be referred to the Public Works Committee.

Mayor Tennyson opened the public hearing.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on November Drive from North Property line of Tax Map 809-6-3 to Thunder Road and to refer the properties of M. G. Bobbitt and Stephen Parrillo to the Public Works Committee for further consideration was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs,

Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Green Lane Drive from Country Club Drive to Country Club Drive

Due to objections, Nathan McHenry of the Public Works Department, requested that the properties of Walter Jones; Willowhaven Country Club; and Thomas Hunter be referred to the Public Works Committee.

Mayor Tennyson opened the public hearing.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Green Lane Drive from Country Club Drive to Country Club Drive and to refer the properties of Walter Jones; Willowhaven Country Club; and Thomas Hunter to the Public Works Committee for further consideration was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Continental Drive (formerly Willowhaven Drive) from Umstead Road to South Property Line of Tax Map 809-1-7

Due to objections, Nathan McHenry of the Public Works Department, requested that the following properties be referred to the Public Works Committee: Willowhaven Country Club; Ellwood Hicks; and Nina Livinenko.

Mayor Tennyson opened the public hearing.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Continental Drive (formerly Willowhaven Drive) from Umstead Road to south property line of Tax Map 809-1-7 and to refer the properties of Willowhaven Country Club; Ellwood Hicks; and Nina Livinenko to the Public Works Committee for further consideration was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs,

Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Strawberry Lane from November Drive to Cul-de-sac

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Strawberry Lane from November Drive to cul-de-sac was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Dawn Trail from November Drive to Cul-de-sac

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Dawn Trail from November Drive to cul-de-sac was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Note: The following two items were continued from the November 1, 1999 City Council Meeting until this meeting--Administration requests further continuation of the public hearings [without additional advertising] until the December 6, 1999 City Council Meeting.

SUBJECT: Sidewalk - Hillsborough Road (South Side) from Erwin Square East to Ninth Street (Enabling Act Authority)

To adopt a resolution ordering sidewalk improvements on Hillsborough Road (South Side) from Erwin Square east to Ninth Street under the Enabling Act Authority.

MOTION by Council Member Larson seconded by Council Member Miller

to continue the public hearing on this item without additional advertising until the December 6, 1999 City Council Meeting was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - Morehead Avenue (South Side) from Anderson Street East to Chapel Hill Road (Enabling Act Authority)

To adopt a resolution ordering sidewalk improvements on Morehead Avenue (South Side) from Anderson Street east to Chapel Hill Road.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing on this item without additional advertising until the December 6, 1999 City Council Meeting was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LOCAL LAW ENFORCEMENT BLOCK GRANT

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed. **[If no public comment is heard to alter the initial funds allocation recommendation then adopt the following grant ordinance]**

MOTION by Council Member Blyth seconded by Council Member Miller to receive any additional citizens' comments on the funding allocation plan for the Local Law Enforcement Block Grant from the U.S. Department of Justice, Bureau of Justice Assistance, in the amount of \$460,420 and the City's matching funds of \$51,158 for a total amount of \$511,578; and

To adopt "The City of Durham and the U.S. Department of Justice, Bureau of Justice Assistance 'Local Law Enforcement Grant' Project Ordinance FY 1999-2000" was approved at 8:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ALLOCATION OF FUNDS UNDER THE ECONOMIC DEVELOPMENT INVESTMENT POLICY - MEASUREMENT INCORPORATED RENOVATION OF PROPERTY AT 333 LIGGETT STREET

Council Member Burnette informed her colleagues that she is employed by Measurement Incorporated and has no financial interest regarding this matter.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed Agreement with Measurement Incorporated for the allocation of up to \$140,000 in funds under the Economic Development Investment Policy for job creation, building renovation and improvements to the property at 333 Liggett Street; and

To authorize the City Manager to execute the proposed Agreement with Measurement Incorporated (or a revised Agreement with no increase in total dollar amount and no substantial change in performance standards) allocating up to \$140,000 in funds under the Economic Development Investment Policy for job creation, building renovation and improvements to the property at 333 Liggett Street, identified by Durham County Tax Map #060-03-005 and #060-03-004 was approved at 8:06 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS FOR NORTHERN HEIGHTS, LAKEHURST POINTE, CLAYTON CROSSING AND HOPE CREEK AND HALF-BASE CONTRACT WITH PARKWOOD VOLUNTEER FIRE DEPARTMENT FOR LAKEHURST POINTE

a. Northern Heights (FY 2000-01)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Northern Heights, consisting of 4.87 acres non-contiguous to the City limits located off Cadillac Avenue between Packard Street and Aberdeen Drive; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present

Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Northern Heights)" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. Lakehurst Pointe - (FY 2000-02)

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Lakehurst Pointe consisting of 30.01 acres contiguous to the City limits located adjacent to the existing Lakehurst Subdivision, south of I-40, between Herndon Road and Grandale Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Lakehurst Pointe)" was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

2) Fire Protection - Amendment to Contract with Parkwood Volunteer Fire Department

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an amendment to the current half-base contract with Parkwood Volunteer Fire Department, Incorporated to provide supplemental fire protection services to the Lakehurst Point area of the City was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

c. Clayton Crossing (FY 2000-03)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the annexation of Clayton Crossing, consisting of 11.35 acres contiguous to the City limits located off Clayton (or Freeman) Road and south of Cheek Road; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Clayton Crossing)" was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

d. Hope Creek (FY 2000-04)

To receive citizens' comments concerning the annexation of Hope Creek, consisting of 58.97 acres contiguous to the City limits located at the intersection of Pickett Road and Cambridge Drive, adjacent to Pickett's Crossing Subdivision.

Mayor Tennyson opened the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to continue the public hearing without further advertisement until the December 6, 1999 City Council Meeting was approved at 8:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED URBAN GROWTH AREA (UGA) AMENDMENTS

To receive citizens' comments concerning the proposed UGA amendments.

To amend the Urban Growth Area (UGA) Boundary to incorporate the Russell Road Area UGA expansion, the Hamlin Road Area UGA contraction, the Southeast Durham UGA contraction (Option 3) and the minor UGA changes as described in the attached report.

To direct the Administration to initiate active discussions with Orange County regarding appropriate areas in Orange County for Durham City to provide sewer, water and other urban services for which Durham's UGA would be expanded.

Keith Luck, of the City/County Planning Department, stated the purpose of the Urban Growth Boundary is to communicate to property owners where the city would see like to urban and suburban development supported by public utilities. He noted the UGA amendments implement the changes proposed in the Durham 2020 Comprehensive as follows: 1) The UGA boundary would expand in the vicinity of Russell Road in northwest Durham to take advantage of improvements in the water distribution system; 2) The UGA boundary would contract in the vicinity of Hamlin Road in northeast Durham to exclude portions of Falls Reservoir Critical Area [this would not contract the UGA boundary in the Ellerbee Creek basin where the County is presently surveying the location of the Reservoirs' normal pool]; and 3) The UGA boundary would contract in southeast Durham in the area between NC 98 and US 70 [the intention is to prevent a pattern of "leap frog" development].

Mr. Luck noted the following Minor UGA Changes: 1: Expand the UGA from Scott King Road south to the Durham County line; 2) Expand the UGA east of Farrington Road to include about 150 acres of private property south of the South Durham Water Reclamation Facility and about 300 acres of US Army Corps of Engineers land; 3) Expand the UGA southwest to include land along both sides of Farrington Mill Road (excluding Jordoan Reservoir Critical Area) between Barbee Chapel Road and the Durham County-Chatham County line; 4) Expand the UGA east of Fletcher's Chapel Road in eastern Durham to include several new small residential subdivisions; and 5) Expand the UGA in northeastern Durham along I-85 to include an area around Gorman Baptist Church [this area is outside the UGA boundary presently but the church is already served with public sewer].

Mr. Luck also briefed council on future UGA study areas.

Mayor Tennyson opened the public hearing.

James Ward stated he owned property on Morton Road and he was opposed to the Hamlin Road UGA contraction.

Minnie Ward spoke in opposition to the Hamlin Road UGA contraction.

Joseph Rice raised concern that his property located on Stage Coach Road was being excluded from the UGA and this exclusion would make his property worthless.

Edward Gooch, a member of Gorman Baptist Church, spoke in favor of expanding the UGA to include Gorman Baptist Church. He stated he was opposed to the contraction of the UGA to the eastern area because it would be detrimental to the residents in the area and the church in general.

Gary Rigsbee stated he owned property on Stage Coach Road. He

noted he had two meetings with the planning staff and was unable to obtain sufficient information. Mr. Rigsbee asked the council to postpone a decision on the UGA amendments.

Brian Morton, representing the Environmental Affairs Board, stated the Environmental Affairs Board recommends that the City Council not expand the Urban Growth Area anywhere and reject proposals to study additional expansions of the UGA. Mr. Morton stated the EAB recommends the council retract the UGA to Doc Nichols Road and retract the UGA in the Hamlin Road area in both the Eno River basin and Ellerbee Creek basin. He stated expansion of the UGA would promote sprawl and any expansion of the UGA and the consequent development of Durham's suburban fringe would appear to be fiscally and socially irresponsible.

Lee Rambert spoke in support of expanding the Urban Growth boundary in southeast Durham [Stallings Road into Patterson Road and at NC 98]. Mr. Rambert stated this expansion would allow him to provide affordable housing in this area.

Bill Sparrow, representing the Gorman Community, spoke in opposition to any retraction of the UGA. Mr. Sparrow spoke in favor of including the Gorman Baptist Church.

Jim Middleton, representing Mr. & Mrs. Stevens of Raleigh, stated the Stevens own 250 acres of property on the northside of US 70. He stated 40 acres of the property lies in Wake County and the remaining acres in Durham County. Mr. Middleton noted the Stevens were opposed to Option 2 which would take their property out of the Urban Growth Area.

John Faircloth, a member of Gorman Baptist Church, spoke in support of expanding the Urban Growth Area to include Gorman Baptist Church. He noted he was opposed to the Hamlin Road area contraction.

Edward Strickland, a resident of Sherron Road, raised concern that he was not able to do anything with his property located on the corner of Patterson and NC 98.

Steve Grinstead spoke in opposition to the Urban Growth amendments.

Doug Harward spoke in favor of the Urban Growth Boundary amendments for Stallings Road. He asked council to support the UGA.

Steve Bocckino asked the council to respect the adopted land use plans and reject the expansion of the Urban Growth Area.

Gary Brookshire, a member of Gorman Baptist Church, asked council to adopt the Urban Growth Area to include Gorman Baptist Church.

Jim Thames, a member of Gorman Baptist Church, spoke in support of including Gorman Baptist Church in the UGA. He stated the church is currently served by public sewer.

Wayne Cash, President of the Eno River Association, spoke in support of the Environmental Affairs Board's recommendation asking council not to expand the UGA anywhere. He also stated the association has expressed concern with the proposed study area in Orange County on both sides of Pleasant Green Road right up to the Eno River and the Eno River State Park.

Jim McDonald, a resident of Somerset Drive, asked council not to expand the UGA toward the Chatham County line due to the Sherron Harris Plant. Also, Mr. McDonald stated there should be a public facilities ordinance in place before expanding the Urban Growth Boundaries.

Ed Harrison, a resident of Newton Drive, asked council to postpone a decision this evening until various studies are complete, i.e. Management Plan for Jordan Lake.

Attorney Travis Porter, representing Boddie-Noell Enterprises, noted 21 families signed petitions and submitted same to the City Manager desiring the use of the property at Highway 98 [Patterson Road and Stallings Road]. He noted expansion would make the land useable. He stated this area needed growth and amenities.

Bill _____, a resident Holy Branch Road, spoke in support of water and sewer for the residents of Shaw Hill.

Bruce Harris, a resident of Shaw Hill, noted the water and sewer is needed in the area; however, he felt uncomfortable with all the references relative to high density development.

Bob _____ spoke in support of including Gorman Baptist Church in the UGA.

Tom Kennedy spoke in opposition to the expansion of the Urban Growth Area. Mr. Kennedy spoke in support of the recommendation from the Environmental Affairs Board.

Howard Lander spoke in opposition to the expansion of the Urban Growth Area in the Russell Road area.

David Wade Hawkins, representing Gorman Baptist Church, spoke in support of the expansion of the UGA to include Gorman Baptist Church. Mr. Hawkins asked council to vote this evening to include the church.

Mayor Tennyson asked if there were other individuals present wanting to speak on this item. The public hearing was closed by

the Mayor.

Council Member Larson stated this issue has been discussed for a while and he felt further discussions were needed on the UGA. He suggested that the UGA be discussed at a future council retreat.

A motion was made by Council Member Larson to receive citizens' comments and to amend the Urban Growth Area Boundary to incorporate the Gorman Baptist Church and to refer the discussion of the remaining UGA expansions to the administration for a future City Council retreat. This motion was seconded by Council Member Jacobs.

Council Member McKissick asked the administration to clarify the location regarding the Gorman Baptist Church expansion.

Keith Luck, of the City/County Planning Department, stated the area was south of Interstate 85 [just the property that the church owns].

Council Member McKissick spoke in support of Council Member Larson's motion and suggested that a sub-committee be established to review and discuss the remaining UGA expansions.

Mayor Pro Tempore Clement spoke in support of the motion.

Council Member Miller spoke in support of discussing the remaining UGA expansions at a future council retreat. He also supported including Gorman Baptist Church in the UGA.

Council Member Blyth stated the UGA amendments needed to be reviewed and studied further. Also, Council Member Blyth noted Council would be setting a precedent by approving the expansion of the UGA for Gorman Baptist Church.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Engelhard to receive citizens' comments concerning the proposed UGA amendments and refer this matter to a future City Council Retreat; and

To not expand the Urban Growth Area until existing plans, along with an adequate public facilities ordinance, are reviewed; and to approve the contraction of any property that is currently in the Urban Growth Area that is in the Critical Watershed; and

To recommend to the incoming City Council that they consider not making any other changes until all the plans are thoroughly reviewed [by the council, public, and suggested task force] **FAILED** at 9:57 p.m. by the following vote: Ayes: Council Members Cox, Miller, Griffin, Brown, Engelhard and Blyth. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley,

Burnette, McKissick, Jacobs and Larson. Absent: None.

It was recommended that inclusion of the Gorman Baptist Church in the Urban Growth Boundary Area be severed from the original motion.

MOTION by Council Member Larson seconded by Council Member Jacobs to amend the Urban Growth Area Boundary to incorporate the Gorman Baptist Church was approved at 9:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Cox, Engelhard, Brown and Blyth. Absent: None.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments and to refer the discussion of the remaining UGA expansions to the administration for a future City Council Retreat was approved at 9:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P98-85, GRIFFIN ASSOCIATES, NORTHEAST CORNER OF N. C. HIGHWAY 54 AND BISCAYNE ROAD

Case: P98-85 (Continued from the November 1, 1999 City Council Meeting)

Applicant: Griffin Associates

Location: 1.57 acre site located at the northeast corner of N.C. Highway 54 and Biscayne Road (Tax Map 428, Block 3, Lot 6)

Request: Rezoning from R-20 (Residential 20 District) (F/J-B) to OI-1 (Transitional Office and Institutional District) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as OI-1 (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (4-3)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, reminded council of the site layout sketch provided at the Committee-of-the-Whole Meeting. Mr. Hails noted the sketch was not binding or enforceable.

Council Member Griffin informed his colleagues that he has no financial interest regarding this rezoning request.

The public hearing was opened by Mayor Tennyson.

Proponents

Kim Griffin, Jr., the applicant, spoke in support of the request. He noted when the first phase was constructed a development plan was not provided. Mr. Griffin requested council to support the rezoning.

Bill Robbins spoke in support of the request. He noted the proposed buildings are attractive and they enhance the neighborhood.

City Attorney Blinder reminded council that they should consider land use and not the appearance of the proposed buildings.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request. This motion was seconded by Council Member Jacobs.

Council Member McKissick stated he would prefer not to see anymore rezoning cases that do not have a development plan.

Council Member Miller stated he would not be supporting the rezoning because it did not have a development plan.

Council Member Blyth spoke in opposition to the rezoning because of no development plan. She noted there are other uses in the zoning that would be inappropriate.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as OI-1 (F/J-B) **FAILED** at 10:11 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Engelhard, Griffin, Jacobs, Langley and McKissick. Noes: Mayor Tennyson and Council Members Burnette, Cox, Larson, Miller, Brown and Blyth. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-26, GIUSEPPE FINAZZO, 2204 HIGHWAY
54**

Case: P99-26 (Continued from the October 18, 1999 City Council Meeting)

Applicant: Giuseppe Finazzo

Location: 1.04 acre site located at 2204 Highway 54, identified as Tax Map 546, Block 4, Lot 6

Request: Rezoning from OI-2 (General Office and Institutional District) to NC(D) (Neighborhood Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking above described property out of OI-2 and placing same in and establishing same as NC(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Denial

Dick Hails, of the City/County Planning Department, reminded council that they did receive a letter and drawing from the adjacent property owner agreeing to a pedestrian connection from Headquarters Park Office to the proposed site.

Mayor Tennyson opened the public hearing.

Proponents

Howard Partner, representing the applicant, provided council with a copy of a plan showing the actual sidewalk connection. Mr. Partner stated the applicant is agreeing to make the sidewalk part of the development plan. He noted the sidewalk would serve 500 employees who would be able to walk to the proposed site.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request. This motion was seconded by Council Member Langley.

Several Council Members spoke in opposition to the request.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Langley to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking above described property out of OI-2 and placing same in and establishing same as NC(D) **FAILED** at 10:20 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Langley, Burnette, Miller and Griffin. Noes: Mayor Tennyson and Council Members Cox, McKissick, Jacobs, Larson, Engelhard, Brown and Blyth. Absent: None.

**SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENT REGARDING SETBACK
STANDARDS FOR THE PDR ZONING DISTRICT - TC 89-99**

To receive citizens' comments on the proposed Zoning Ordinance amendment regarding setback standards for the PDR Zoning District; and

To adopt "An Ordinance to Amend Provisions of the Durham Zoning Ordinance Regarding Dimensional Requirements in the Planned Density Residential [PDR] District."

Joint City County Planning Committee's Recommendation: Approval

Zoning Committee of the Planning Commission's Recommendation: Approval

Mayor Tennyson opened the public hearing.

Bill Spang spoke in support of the ordinance.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the proposed Zoning Ordinance amendment regarding setback standards for the PDR Zoning District; and

To adopt "An Ordinance to Amend Provisions of the Durham Zoning Ordinance Regarding Dimensional Requirements in the Planned Density Residential [PDR] District" was approved at 10:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

**SUBJECT: REPORT CONCERNING FIREWORKS DECIBEL LEVELS AND EFFECTS ON
OZONE**

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning fireworks decibel levels and effects on ozone was approved at 10:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SPECIAL EVENTS PARKING FEE

To receive a report from the Administration concerning the special events parking fee.

Note: At the Committee-of-the-Whole Meeting, this matter was continued until the December 2, 1999 Committee-of-the-Whole Meeting.

[SUPPLEMENTAL ITEMS]

**SUBJECT: LIVE FIRE TRAINING EXERCISE - BURNING OF STRUCTURES
LOCATED AT 2001, 2011, AND 2101 FAY STREET**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the burning of the structures located at 2001, 2011, and 2101 Fay Street for the purpose of live fire training for City of Durham Fire Department personnel was approved at 10:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAROLINA THEATRE - AMENDMENT TO AGREEMENT FOR MANAGEMENT SERVICES

To authorize the City Manager to execute an amendment to the existing Agreement for Management Services with the Carolina Theatre to allow acceleration of the disbursement of the remaining FY 1999-2000 funds (and in the future if necessary).

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Blyth.

Council Member Cox requested that language be added to specify no more advancements this fiscal year.

Council Member Larson noted this is not a budget shortfall item [not a request for any additional funds outside the management agreement that is in place]. He stated this was merely a recognition by the theatre that there is a cashflow situation.

MOTION by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to execute an amendment to the existing Agreement for Management Services with the Carolina Theatre to allow acceleration of the disbursement of the remaining FY 1999-2000 funds (and in the future if necessary) was approved at 10:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor

Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Cox. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:29 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk